

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING AN AMENDMENT TO ARM 36.15.502 TO RAISE THE
5 ALLOWABLE INCREASE OF SURFACE WATER IN A FLOODWAY DELINEATION FROM ONE-HALF FOOT
6 TO 1 FOOT; ALLOWING EXCEPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 WHEREAS, the Federal Emergency Management Agency sets the minimum standards for floodway
9 delineations, but allows states to adopt more stringent standards; and

10 WHEREAS, Montana has a more stringent standard for delineating floodways than federal regulations,
11 but state regulations date back to 1989; and

12 WHEREAS, in the last 30 years, hydrographic survey technology, hydrology, and hydraulic modeling
13 techniques improved significantly, and current floodplain modeling is much more accurate.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 NEW SECTION. Section 1. Department to amend rule. (1) Except as provided in subsection (2),
18 the department of natural resources and conservation shall amend ARM 36.15.502 to raise the allowable
19 increase of surface water in a floodway delineation from one-half foot to 1 foot in subsections (1), (2)(a), and
20 (3).

21 (2) If the department lacks updated information to justify the changes required in subsection (1), the
22 allowable increase may remain at less than 1 foot.

23
24 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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